

*In the  
Indiana Supreme Court*

IN THE MATTER OF )  
REQUEST FOR APPROVAL )  
OF LOCAL RULES )  
FOR COURTS OF RECORD IN )  
WARRICK COUNTY )

Case No.

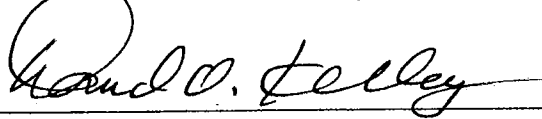
**REQUEST FOR APPROVAL OF LOCAL RULE**  
**RE-ADOPTING CURRENT CASELOAD**  
**ALLOCATION RULE**

The judges of the courts or record of WARRICK County have met and reviewed the 2007 weighted caseload statistics of the courts of record, which review reveals that the difference in utilization between any two courts of record does not exceed .40 based on the 2007 Weighted Caseload Report.

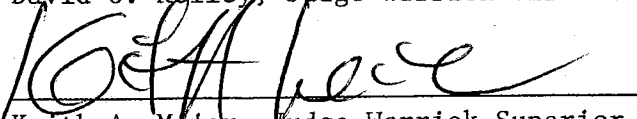
Accordingly, the judges of the courts of record have decided to re-adopt their local rule pertaining to caseload allocation as required by Administrative Rule 1, which local rule had previously been published for public comment as required by Trial Rule 81 and which has been approved by the Supreme Court, and request the Supreme Court to approve the re-adoption of the local caseload allocation rule.

Submitted this 1st day of April, 2008.

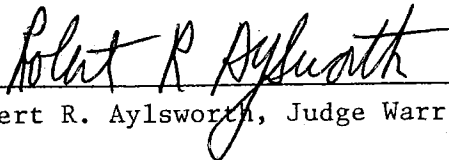
For the Courts of Record of WARRICK County



David O. Kelley, Judge Warrick Circuit Court



Keith A. Meier, Judge Warrick Superior Court No. 1



Robert R. Aylsworth, Judge Warrick Superior Court No. 2

**COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES  
JOINT LOCAL RULE**

Pursuant to the Indiana Supreme Court's order for development of local caseload plans, the judges of the Warrick County Courts hereby adopt, subject to the approval of the Indiana Supreme Court, this joint local rule entitled Warrick County Plan for Allocation of Judicial Resources.

This joint rule has been adopted by the Warrick County Courts after reviewing and considering the weighted caseload results as determined by the Indiana Division of State Court Administration, local custom and practice in Warrick County, the preference of the local bar to maintain the current discretionary filing system, and other relevant factors.

1. The disparity between caseloads in the three courts of general jurisdiction in Warrick County does not indicate to the three local judges that substantial changes need to be made in the current civil filing system that permits discretionary filing of civil proceedings in any of the three courts having general jurisdiction in Warrick County.

2. The local judges believe that either a mandatory filing system for certain cases in one of the three courts, or a random filing system, such as a random draw or assignment system to be maintained by the clerk of the courts, would result in significant increases in motions requesting the appointment of a special judge, with resulting administrative burdens, delays and expenses should out of county special judges be selected to serve in these cases.

3. Because no substantial disparity in caseload exists between the three courts at this time, the present discretionary filing system should be maintained in Warrick County, subject to further review upon the request of any of the three presiding judges, or upon direction by the Indiana Supreme Court upon request of one or more of the presiding judges, or upon the Supreme Court's request for such further review and consideration by the local courts.

4. On or before April 1 of each year, the judges in Warrick County shall review the weighted caseload statistics from the prior year as calculated by the Indiana Division of State Court Administration. Should, upon this review, the presiding judges of the Warrick County Courts determine that a disparity in caseloads between the courts then exists that requires a change in the current discretionary filing system for civil cases, the local judges shall agree upon a reasonable plan to address the disparity in caseload and, if no such agreement between the judges is possible, each of the judges may propose and submit a plan to the Indiana Supreme Court to reduce the caseload disparity at that time. Any such plan submitted by any presiding judge in Warrick County shall be served upon all other judges in Warrick County at the time it is sent to the Indiana Supreme Court, so the remaining judges will know the proposal made by the submitting judge.

5. Should the Indiana Supreme Court direct the Warrick County judges to address a disparity in caseloads between the Warrick County Courts, the local judges shall meet with one another to formulate a plan to reduce this disparity and, once again, if the judges are unable to agree to such a plan, each of the judges may submit his plan or proposal to the Indiana Supreme Court, and once again serve upon the other presiding judges a copy of the plan or proposal when the same is mailed to the Supreme Court for its review.

6. As part of the Warrick County Plan for Allocation of Judicial Resources, the judges

and senior judges in the Warrick County Courts shall be reasonably available for the assignment of cases in District 13 consistent with the comparative utilization levels for the courts within the district as provided in the Administrative District 13 Plan for Allocation of Judicial Resources.

7. This Plan for Allocation of Judicial Resources in Warrick County, Indiana, and this joint local rule shall become effective upon approval of the same by the Indiana Supreme Court.

The judges of the Warrick County Courts have not tendered local rules for the assignment and reassignment of felony and misdemeanor cases as set forth in Criminal Rule 2.2. Accordingly, this Court now adopts the following local rules for Warrick County:

**1. CASE ASSIGNMENT**

All felony and misdemeanor cases shall be randomly assigned in equal numbers to the Warrick Circuit and Superior Courts. The Clerk of the Circuit and Superior Courts shall place three pieces in an opaque container marked "C", "S-1", or "S-2". At the time a case is filed, the Clerk shall randomly remove one piece from the container. If the piece is marked "C", the case shall be assigned to the Circuit Court. If the piece is marked "S-1", the case shall be assigned to Superior Court 1. If the piece is marked "S-2", the case shall be assigned to Superior Court 2. After each selection, the piece shall be returned to the container for use in the next random assignment.

**2. TRANSFER**

The judges of the Warrick Circuit and Superior Courts, by appropriate order entered in the Record or Judgments and Orders, may transfer and reassign to another court in the county a pending felony or misdemeanor case, provided the receiving court has jurisdiction to hear such case and accepts jurisdiction of such matter.

**3. DISMISSAL, REFILING, AND SUBSEQUENT FILINGS**

When the state dismisses a felony or misdemeanor case that has been assigned or reassigned under these local rules, all felony or misdemeanor charges filed against the defendant within the next six months shall be assigned to the judge from whom the dismissal was taken. Additional criminal charges filed against a defendant who has a felony or misdemeanor charge pending shall be assigned to the judge before whom such initial charge is pending. The application of this provision does not extend the jurisdiction of any court; a subsequent or additional charge outside the jurisdiction of the court where initial charges are pending shall be considered as an initial filing for assignment under Rule 1.

**4. REASSIGNMENT**

In the event of the disqualification, recusal, or other change of judge, a pending felony or misdemeanor case shall be reassigned and transferred randomly to another court in the county, provided the second court has jurisdiction to hear such criminal charge. If the case cannot be reassigned and transferred to the other court in the county, the case shall be reassigned in the court where pending to a duly appointed senior judge in such court or one of the following judges from contiguous counties: the Honorable Marvin D. Stratton, Judge of the Pike Circuit Court, and the Honorable Wayne A. Roell, Judge of the Spencer Circuit Court. Cases shall be reassigned to senior judges and judges from contiguous counties in seriatim order, Judges previously assigned to the case are ineligible for reassignment under this rule.

**5. APPOINTMENT OF SPECIAL JUDGE**

In the event these rules fail to assign a case or unique circumstances presented in a particular proceeding preclude local assignment, the judge before whom the case is pending may request the Indiana Supreme Court to appoint a special judge for the case.